

**PROPOSITION 201**

**OFFICIAL TITLE**

**AN INITIATIVE MEASURE**

REPEALING SECTIONS 36-601.01 AND 36-601.02, AMENDING BY ADDING NEW SECTION 36-601.01 AND AMENDING SECTION 42-3251.02 ARIZONA REVISED STATUTES; RELATING TO THE SMOKE-FREE ARIZONA ACT

**TEXT OF PROPOSED AMENDMENT**

Be it enacted by the People of the State of Arizona:

Section 1. Title

This measure shall be known as the "Smoke-Free Arizona Act."

Section 2. Findings and Declaration of Purpose

WHEREAS, an estimated 3,000 lung cancer deaths and more than 35,000 coronary heart disease deaths occur annually among adult nonsmokers in the United States as a result of exposure to secondhand smoke. CDC. Annual smoking-attributable mortality, years of potential life lost, and economic costs. (United States, 1995-1999 Morbidity and Mortality Weekly Report 2002;51(14):300-303.)

WHEREAS, secondhand smoke has been classified by the Environmental Protection Agency (EPA) as a Group A carcinogen. This classification is reserved for chemicals or compounds which have been shown to cause cancer in humans such as asbestos and benzene. (United States Environmental Protection Agency, January 1993. Respiratory Effects of Passive Smoking.)

WHEREAS, secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer. (California Environmental Protection Agency (CAL EPA), "Health effects of exposure to environmental tobacco smoke," Tobacco Control 6(4): 346-353, Winter, 1997.)

WHEREAS, numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke-free. Creation of smoke-free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L. "The effect of ordinances requiring smoke-free restaurants on restaurant sales in the United States." American Journal of Public Health 87:1687-1693, 1997); Colman, R; Urbanas, C.M, "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," GPI Atlantic, September 2001.)

THEREFORE, The people of Arizona declare that everyone has the right to breathe clean indoor air in public places and at work, and that the health of Arizonans will be improved by prohibiting smoking in enclosed public places and places of employment. It is the intent of this Proposition to protect patrons, employees and people who may be particularly vulnerable to the health risks of breathing secondhand tobacco smoke including children, seniors and people

with existing health problems.

Section 3. Sections 36-601.01 AND 36-601.02 Arizona Revised Statutes are repealed.

Section 4. Title 36, Article 6, Chapter 6 Article 1 is amended by adding a new 36-601.01 to read:

36-601.01 SMOKE-FREE ARIZONA ACT

A. DEFINITIONS. THE FOLLOWING WORDS AND PHRASES, WHENEVER USED IN THIS SECTION, SHALL BE CONSTRUED AS DEFINED IN THIS SECTION:

1. "EMPLOYEE" MEANS ANY PERSON WHO PERFORMS ANY SERVICE ON A FULL-TIME, PART-TIME OR CONTRACTED BASIS WHETHER OR NOT THE PERSON IS DENOMINATED AN EMPLOYEE, INDEPENDENT CONTRACTOR OR OTHERWISE AND WHETHER OR NOT THE PERSON IS COMPENSATED OR IS A VOLUNTEER.

2. "EMPLOYER" MEANS A PERSON, BUSINESS, PARTNERSHIP, ASSOCIATION, THE STATE OF ARIZONA AND ITS POLITICAL SUBDIVISIONS, CORPORATIONS, INCLUDING A MUNICIPAL CORPORATIONS, TRUST, OR NON-PROFIT ENTITY THAT EMPLOYS THE SERVICES OF ONE OR MORE INDIVIDUAL PERSONS.

3. "ENCLOSED AREA" MEANS ALL SPACE BETWEEN A FLOOR AND CEILING THAT IS ENCLOSED ON ALL SIDES BY PERMANENT OR TEMPORARY WALLS OR WINDOWS (EXCLUSIVE OF DOORWAYS), WHICH EXTEND FROM THE FLOOR TO THE CEILING. ENCLOSED AREA INCLUDES A REASONABLE DISTANCE FROM ANY ENTRANCES, WINDOWS AND VENTILATION SYSTEMS SO THAT PERSONS ENTERING OR LEAVING THE BUILDING OR FACILITY SHALL NOT BE SUBJECTED TO BREATHING TOBACCO SMOKE AND SO THAT TOBACCO SMOKE DOES NOT ENTER THE BUILDING OR FACILITY THROUGH ENTRANCES, WINDOWS, VENTILATION SYSTEMS OR ANY OTHER MEANS.

4. "HEALTH CARE FACILITY" MEANS ANY ENCLOSED AREA UTILIZED BY ANY HEALTH CARE INSTITUTION LICENSED ACCORDING TO TITLE 36 CHAPTER 4, CHAPTER 6 ARTICLE 7, OR CHAPTER 17, OR ANY HEALTH CARE PROFESSIONAL LICENSED ACCORDING TO TITLE 32 CHAPTERS 7, 8, 11, 13, 14, 15, 15.1, 16, 17, 18, 19, 19.1, 21, 25, 28, 29, 33, 34, 35, 39, 41, OR 42.

5. "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, ENTITY, ASSOCIATION, GOVERNMENTAL SUBDIVISION OR UNIT OF A GOVERNMENTAL SUBDIVISION, OR A PUBLIC OR PRIVATE ORGANIZATION OF ANY CHARACTER.

6. "PHYSICALLY SEPARATED" MEANS ALL SPACE BETWEEN A FLOOR AND CEILING WHICH IS ENCLOSED ON ALL SIDES BY SOLID WALLS OR

Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.

WINDOWS (EXCLUSIVE OF DOOR OR PASSAGEWAY) AND INDEPENDENTLY VENTILATED FROM SMOKE-FREE AREAS, SO THAT AIR WITHIN PERMITTED SMOKING AREAS DOES NOT DRIFT OR GET VENTED INTO SMOKE-FREE AREAS.

7. "PLACES OF EMPLOYMENT" MEANS AN ENCLOSED AREA UNDER THE CONTROL OF A PUBLIC OR PRIVATE EMPLOYER THAT EMPLOYEES NORMALLY FREQUENT DURING THE COURSE OF EMPLOYMENT, INCLUDING OFFICE BUILDINGS, WORK AREAS, AUDITORIUMS, EMPLOYEE LOUNGES, RESTROOMS, CONFERENCE ROOMS, MEETING ROOMS, CLASSROOMS, CAFETERIAS, HALLWAYS, STAIRS, ELEVATORS, HEALTH CARE FACILITIES, PRIVATE OFFICES AND VEHICLES OWNED AND OPERATED BY THE EMPLOYER DURING WORKING HOURS WHEN THE VEHICLE IS OCCUPIED BY MORE THAN ONE PERSON. A PRIVATE RESIDENCE IS NOT A "PLACE OF EMPLOYMENT" UNLESS IT IS USED AS A CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

8. "VETERAN AND FRATERNAL CLUBS" MEANS A CLUB AS DEFINED IN A.R.S. 4-101(7)(A)(B) OR (C).

9. "PUBLIC PLACE" MEANS ANY ENCLOSED AREA TO WHICH THE PUBLIC IS INVITED OR IN WHICH THE PUBLIC IS PERMITTED, INCLUDING AIRPORTS, BANKS, BARS, COMMON AREAS OF APARTMENT BUILDINGS, CONDOMINIUMS OR OTHER MULTIFAMILY HOUSING FACILITIES, EDUCATIONAL FACILITIES, ENTERTAINMENT FACILITIES OR VENUES, HEALTH CARE FACILITIES, HOTEL AND MOTEL COMMON AREAS, LAUNDROMATS, PUBLIC TRANSPORTATION FACILITIES, RECEPTION AREAS, RESTAURANTS, RETAIL FOOD PRODUCTION AND MARKETING ESTABLISHMENTS, RETAIL SERVICE ESTABLISHMENTS, RETAIL STORES, SHOPPING MALLS, SPORTS FACILITIES, THEATERS, AND WAITING ROOMS. A PRIVATE RESIDENCE IS NOT A "PUBLIC PLACE" UNLESS IT IS USED AS A CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

10. "RETAIL TOBACCO STORE" MEANS A RETAIL STORE THAT DERIVES THE MAJORITY OF ITS SALES FROM TOBACCO PRODUCTS AND ACCESSORIES.

11. "SMOKING" MEANS INHALING, EXHALING, BURNING, OR CARRYING OR POSSESSING ANY LIGHTED TOBACCO PRODUCT, INCLUDING CIGARS, CIGARETTES, PIPE TOBACCO AND ANY OTHER LIGHTED TOBACCO PRODUCT.

12. "SPORTS FACILITIES" MEANS ENCLOSED AREAS OF SPORTS PAVILIONS, STADIUMS, GYMNASIUMS, HEALTH SPAS, BOXING ARENAS, SWIMMING POOLS, ROLLER AND ICE RINKS, BILLIARD HALLS, BOWLING ALLEYS, AND OTHER SIMILAR PLACES WHERE MEMBERS OF THE GENERAL PUBLIC ASSEMBLE TO ENGAGE IN PHYSICAL EXERCISE, PARTICIPATE IN ATHLETIC COMPETITION, OR WITNESS SPORTING EVENTS.

B. SMOKING IS PROHIBITED IN ALL PUBLIC PLACES AND PLACES OF EMPLOYMENT WITHIN THE STATE OF ARIZONA, EXCEPT THE FOLLOWING:

1. PRIVATE RESIDENCES, EXCEPT WHEN USED

AS A LICENSED CHILD CARE, ADULT DAY CARE, OR HEALTH CARE FACILITY.

2. HOTEL AND MOTEL ROOMS THAT ARE RENTED TO GUESTS AND ARE DESIGNATED AS SMOKING ROOMS; PROVIDED, HOWEVER, THAT NOT MORE THAN FIFTY PERCENT OF ROOMS RENTED TO GUESTS IN A HOTEL OR MOTEL ARE SO DESIGNATED.

3. RETAIL TOBACCO STORES THAT ARE PHYSICALLY SEPARATED SO THAT SMOKE FROM RETAIL TOBACCO STORES DOES NOT INFILTRATE INTO AREAS WHERE SMOKING IS PROHIBITED UNDER THE PROVISIONS OF THIS SECTION.

4. VETERANS AND FRATERNAL CLUBS WHEN THEY ARE NOT OPEN TO THE GENERAL PUBLIC.

5. SMOKING WHEN ASSOCIATED WITH A RELIGIOUS CEREMONY PRACTICED PURSUANT TO THE AMERICAN INDIAN RELIGIOUS FREEDOM ACT OF 1978.

6. OUTDOOR PATIOS SO LONG AS TOBACCO SMOKE DOES NOT ENTER AREAS WHERE SMOKING IS PROHIBITED THROUGH ENTRANCES, WINDOWS, VENTILATION SYSTEMS, OR OTHER MEANS.

7. A THEATRICAL PERFORMANCE UPON A STAGE OR IN THE COURSE OF A FILM OR TELEVISION PRODUCTION IF THE SMOKING IS PART OF THE PERFORMANCE OR PRODUCTION.

C. THE PROHIBITION ON SMOKING IN PLACES OF EMPLOYMENT SHALL BE COMMUNICATED TO ALL EXISTING EMPLOYEES BY THE EFFECTIVE DATE OF THIS SECTION AND TO ALL PROSPECTIVE EMPLOYEES UPON THEIR APPLICATION FOR EMPLOYMENT.

D. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, AN OWNER, OPERATOR, MANAGER, OR OTHER PERSON OR ENTITY IN CONTROL OF AN ESTABLISHMENT, FACILITY, OR OUTDOOR AREA MAY DECLARE THAT ENTIRE ESTABLISHMENT, FACILITY, OR OUTDOOR AREA AS A NONSMOKING PLACE.

E. POSTING OF SIGNS AND ASHTRAY REMOVAL.

1. "NO SMOKING" SIGNS OR THE INTERNATIONAL "NO SMOKING" SYMBOL (CONSISTING OF A PICTORIAL REPRESENTATION OF A BURNING CIGARETTE ENCLOSED IN A RED CIRCLE WITH A RED BAR ACROSS IT) SHALL BE CLEARLY AND CONSPICUOUSLY POSTED BY THE OWNER, OPERATOR, MANAGER, OR OTHER PERSON IN CONTROL OF THAT PLACE IDENTIFYING WHERE SMOKING IS PROHIBITED BY THIS SECTION AND WHERE COMPLAINTS REGARDING VIOLATIONS MAY BE REGISTERED.

2. EVERY PUBLIC PLACE AND PLACE OF EMPLOYMENT WHERE SMOKING IS PROHIBITED BY THIS SECTION SHALL HAVE POSTED AT EVERY ENTRANCE A CONSPICUOUS SIGN CLEARLY STATING THAT SMOKING IS PROHIBITED.

3. ALL ASHTRAYS SHALL BE REMOVED FROM ANY AREA WHERE SMOKING IS PROHIBITED BY THIS SECTION BY THE OWNER, OPERATOR, MANAGER, OR OTHER PERSON HAVING CONTROL OF THE AREA.

F. NO EMPLOYER MAY DISCHARGE OR RETALI-

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ATE AGAINST AN EMPLOYEE BECAUSE THAT EMPLOYEE EXERCISES ANY RIGHTS AFFORDED BY THIS SECTION OR REPORTS OR ATTEMPTS TO PROSECUTE A VIOLATION OF THIS SECTION. G. THE LAW SHALL BE IMPLEMENTED AND ENFORCED BY THE DEPARTMENT OF HEALTH SERVICES AS FOLLOWS:

1. THE DEPARTMENT SHALL DESIGN AND IMPLEMENT A PROGRAM, INCLUDING THE ESTABLISHMENT OF AN INTERNET WEBSITE, TO EDUCATE THE PUBLIC REGARDING THE PROVISIONS OF THIS LAW.
2. THE DEPARTMENT SHALL INFORM PERSONS WHO OWN, MANAGE, OPERATE OR OTHERWISE CONTROL A PUBLIC PLACE OR PLACE OF EMPLOYMENT OF THE REQUIREMENTS OF THIS LAW AND HOW TO COMPLY WITH ITS PROVISIONS INCLUDING MAKING INFORMATION AVAILABLE AND PROVIDING A TOLL-FREE TELEPHONE NUMBER AND E-MAIL ADDRESS TO BE USED EXCLUSIVELY FOR THIS PURPOSE.
3. ANY MEMBER OF THE PUBLIC MAY REPORT A VIOLATION OF THIS LAW TO THE DEPARTMENT. THE DEPARTMENT SHALL ACCEPT ORAL AND WRITTEN REPORTS OF VIOLATION AND ESTABLISH AN E-MAIL ADDRESS(ES) AND TOLL-FREE TELEPHONE NUMBER(S) TO BE USED EXCLUSIVELY FOR THE PURPOSE OF REPORTING VIOLATIONS. A PERSON SHALL NOT BE REQUIRED TO DISCLOSE THE PERSON'S IDENTITY WHEN REPORTING A VIOLATION.
4. IF THE DEPARTMENT HAS REASON TO BELIEVE A VIOLATION OF THIS LAW EXISTS, THE DEPARTMENT MAY ENTER UPON AND INTO ANY PUBLIC PLACE OR PLACE OF EMPLOYMENT FOR PURPOSES OF DETERMINING COMPLIANCE WITH THIS LAW. HOWEVER, THE DEPARTMENT MAY INSPECT PUBLIC PLACES WHERE FOOD OR ALCOHOL IS SERVED AT ANY TIME TO DETERMINE COMPLIANCE WITH THIS LAW.
5. IF THE DEPARTMENT DETERMINES THAT A VIOLATION OF THIS LAW EXISTS AT A PUBLIC PLACE OR PLACE OF EMPLOYMENT, THE DEPARTMENT SHALL ISSUE A NOTICE OF VIOLATION TO THE PERSON WHO OWNS, MANAGES, OPERATES OR OTHERWISE CONTROLS THE PUBLIC PLACE OR PLACE OF EMPLOYMENT. THE NOTICE SHALL INCLUDE THE NATURE OF EACH VIOLATION, DATE AND TIME EACH VIOLATION OCCURRED, AND DEPARTMENT CONTACT PERSON.
6. THE DEPARTMENT SHALL IMPOSE A CIVIL PENALTY ON THE PERSON IN AN AMOUNT OF NOT LESS THAN \$100, BUT NOT MORE THAN \$500 FOR EACH VIOLATION. IN CONSIDERING WHETHER TO IMPOSE A FINE AND THE AMOUNT OF THE FINE, THE DEPARTMENT MAY CONSIDER WHETHER THE PERSON HAS BEEN CITED PREVIOUSLY AND WHAT EFFORTS THE PERSON HAS TAKEN TO PREVENT OR CURE THE VIOLATION INCLUDING REPORTING THE VIOLATION OR TAKING ACTION UNDER SUBSECTION J. EACH DAY THAT A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION. THE DIRECTOR MAY ISSUE A NOTICE THAT INCLUDES THE PROPOSED AMOUNT OF

THE CIVIL PENALTY ASSESSMENT. A PERSON MAY APPEAL THE ASSESSMENT OF A CIVIL PENALTY BY REQUESTING A HEARING. IF A PERSON REQUESTS A HEARING TO APPEAL AN ASSESSMENT, THE DIRECTOR SHALL NOT TAKE FURTHER ACTION TO ENFORCE AND COLLECT THE ASSESSMENT UNTIL THE HEARING PROCESS IS COMPLETE. THE DIRECTOR SHALL IMPOSE A CIVIL PENALTY ONLY FOR THOSE DAYS ON WHICH THE VIOLATION HAS BEEN DOCUMENTED BY THE DEPARTMENT.

7. IF A CIVIL PENALTY IMPOSED BY THIS SECTION IS NOT PAID, THE ATTORNEY GENERAL OR A COUNTY ATTORNEY SHALL FILE AN ACTION TO COLLECT THE CIVIL PENALTY IN A JUSTICE COURT OR THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED.
8. THE DEPARTMENT MAY APPLY FOR INJUNCTIVE RELIEF TO ENFORCE THESE PROVISIONS IN THE SUPERIOR COURT IN THE COUNTY IN WHICH THE VIOLATION OCCURRED. THE COURT MAY IMPOSE APPROPRIATE INJUNCTIVE RELIEF AND IMPOSE A PENALTY OF NOT LESS THAN \$100 BUT NOT MORE THAN \$500 FOR EACH VIOLATION. EACH DAY THAT A VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION. IF THE SUPERIOR COURT FINDS THE VIOLATIONS ARE WILLFUL OR EVIDENCE A PATTERN OF NONCOMPLIANCE, THE COURT MAY IMPOSE A FINE UP TO \$5000 PER VIOLATION.
9. THE DEPARTMENT MAY CONTRACT WITH A THIRD PARTY TO DETERMINE COMPLIANCE WITH THIS LAW.
10. THE DEPARTMENT MAY DELEGATE TO A STATE AGENCY OR POLITICAL SUBDIVISION OF THIS STATE ANY FUNCTIONS, POWERS OR DUTIES UNDER THIS LAW.
11. THE DIRECTOR OF THE DEPARTMENT MAY PROMULGATE RULES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THIS LAW. THE DEPARTMENT IS EXEMPT FROM THE RULEMAKING PROCEDURES IN A.R.S. § TITLE 41, CHAPTER 6 EXCEPT THE DEPARTMENT SHALL PUBLISH DRAFT RULES AND THEREAFTER TAKE PUBLIC INPUT INCLUDING HOLD AT LEAST TWO PUBLIC HEARINGS PRIOR TO IMPLEMENTING THE RULES. THIS EXEMPTION EXPIRES MAY 1, 2007.
- H. BEGINNING ON JUNE 1, 2008 AND EVERY OTHER JUNE 1 THEREAFTER, THE DIRECTOR OF THE ARIZONA DEPARTMENT OF HEALTH SERVICES SHALL ISSUE A REPORT ANALYZING ITS ACTIVITIES TO ENFORCE THIS LAW, INCLUDING THE ACTIVITIES OF ALL OF THE STATE AGENCIES OR POLITICAL SUBDIVISIONS TO WHOM THE DEPARTMENT HAS DELEGATED RESPONSIBILITY UNDER THIS LAW.
- I. AN OWNER, MANAGER, OPERATOR OR EMPLOYEE OF PLACE REGULATED BY THIS LAW SHALL INFORM ANY PERSON WHO IS SMOKING IN VIOLATION OF THIS LAW THAT SMOKING IS ILLEGAL AND REQUEST THAT THE ILLEGAL SMOKING STOP IMMEDIATELY.
- J. THIS LAW DOES NOT CREATE ANY NEW PRIVATE RIGHT OF ACTION NOR DOES IT EXTINGUISH ANY EXISTING COMMON LAW CAUSES OF

**PROPOSITION 201**

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*Issued by: Secretary of State Jan Brewer*

ACTION.

K. A PERSON WHO SMOKES WHERE SMOKING IS PROHIBITED IS GUILTY OF A PETTY OFFENSE WITH A FINE OF NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN THREE HUNDRED DOLLARS.

L. SMOKE-FREE ARIZONA FUND

1. THE SMOKE-FREE ARIZONA FUND IS ESTABLISHED CONSISTING OF ALL REVENUES DEPOSITED IN THE FUND PURSUANT TO §42-3251.02 AND INTEREST EARNED ON THOSE MONIES. THE ARIZONA DEPARTMENT OF HEALTH SERVICES SHALL ADMINISTER THE FUND. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL INVEST AND DIVEST MONIES IN THE FUND AS PROVIDED BY §35-313 AND MONIES EARNED FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

2. ALL MONEY IN THE SMOKE-FREE ARIZONA FUND SHALL BE USED TO ENFORCE THE PROVISIONS OF THIS SECTION PROVIDED HOWEVER THAT IF THERE IS MONEY REMAINING AFTER THE DEPARTMENT HAS MET ITS ENFORCEMENT OBLIGATIONS, THAT REMAINING MONEY SHALL BE DEPOSITED IN THE TOBACCO PRODUCTS TAX FUND AND USED FOR EDUCATION PROGRAMS TO REDUCE AND ELIMINATE TOBACCO USE AND FOR NO OTHER PURPOSE.

3. MONIES IN THIS FUND ARE CONTINUOUSLY APPROPRIATED, ARE NOT SUBJECT TO FURTHER APPROVAL, DO NOT REVERT TO THE GENERAL FUND AND ARE EXEMPT FROM THE PROVISIONS OF §36-190 RELATING TO THE LAPSING OF APPROPRIATIONS.

M. THIS SECTION DOES NOT PREVENT A POLITI-

CAL SUBDIVISION OF THE STATE FROM ADOPTING ORDINANCES OR REGULATIONS THAT ARE MORE RESTRICTIVE THAN THIS SECTION NOR DOES THIS SECTION REPEAL ANY EXISTING ORDINANCE OR REGULATION THAT IS MORE RESTRICTIVE THAN THIS SECTION.

N. TRIBAL SOVEREIGNTY - THIS SECTION HAS NO APPLICATION ON INDIAN RESERVATIONS AS DEFINED IN ARS 42-3301(2).

Section 5. Title 42, Chapter 3, Article 6, Arizona Revised Statutes is amended by adding section 42-3251.02 to read:

42-3251.02. LEVY AND COLLECTION OF TOBACCO TAX FOR SMOKE-FREE ARIZONA FUND.

A. IN ADDITION TO THE TAXES IMPOSED BY 42-3251(1), THERE IS LEVIED AND SHALL BE COLLECTED AN ADDITIONAL TAX OF ONE TENTH OF ONE CENT ON EACH CIGARETTE.

B. MONIES COLLECTED PURSUANT TO THIS SECTION SHALL BE DEPOSITED, PURSUANT TO §§ 35-146 AND 35-147, IN THE SMOKE-FREE ARIZONA FUND ESTABLISHED BY §36-601.01.

Section 6.

1. If any provision, clause, sentence, or paragraph of this Act or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

2. §36-601.01(M) and §42-3251.02 becomes effective on the date of enactment. The remaining provisions of this Act become effective on May 1, 2007.

### **ANALYSIS BY LEGISLATIVE COUNCIL**

Currently, state statutes provide that smoking tobacco is prohibited in certain areas and most state buildings. A person who smokes where smoking is prohibited is guilty of a petty offense. Several cities and towns also have restrictions on smoking in public places.

Proposition 201 would prohibit smoking in all public places and places of employment, except as provided by the proposition. These exceptions include:

1. Retail tobacco stores that are physically separated and independently ventilated.
2. Veterans and fraternal clubs when they are not open to the public.
3. Hotel rooms designated as smoking rooms.
4. Outdoor patios.

Proposition 201 would increase the state tax on cigarettes from \$1.18 per pack to \$1.20 per pack. Taxes on cigars and other tobacco products would not be increased by this proposition. Revenues collected from this tax would be deposited in a new Smoke-Free Arizona Fund to be administered by the Department of Health Services (DHS) to pay for enforcement and education costs.

Proposition 201 also would prescribe notice and other requirements for operating establishments to implement the smoking restrictions. In addition, an employer could not retaliate against an employee for exercising any rights provided by the proposition.

A person who smokes where smoking is prohibited would be guilty of a petty offense. Under the proposition, DHS would implement and enforce these smoking restrictions. DHS would be required to design and implement a program to educate the public and business owners about the smoking restrictions. DHS would also be authorized to accept complaints about and investigate violations of the smoking restrictions. Proposition 201 would also require DHS to assess a civil penalty of at least \$100 but less than \$500 for each violation.

Proposition 201 would not prohibit or repeal more restrictive city, town or county laws.

### **FISCAL IMPACT STATEMENT**

State law requires the Joint Legislative Budget Committee (JLBC) Staff to prepare a summary of the fiscal impact of certain ballot measures. Proposition 201 increases the tax on cigarettes by 2 cents a pack and allocates the monies to the Department of Health Services for enforcement and education provisions. State and

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local governments may receive additional revenues in the form of civil penalties, fines and penalty assessments from violators of the provisions of the proposition. The total amount of these collections will depend on the level of compliance, which is difficult to predict in advance.

The tax increase is estimated to generate \$4.7 million in new revenue for the state in its first full year. Because some individuals may reduce their tobacco consumption when the price of tobacco increases, the state's existing tobacco tax collections may decrease. At 2 cents per pack, the impact of the tax on existing collections is projected to be minimal. The existing tobacco tax goes to health programs, prisons and the State General Fund.

**ARGUMENTS "FOR" PROPOSITION 201**

**Smoke-Free Arizona**

You are sitting in a restaurant enjoying a meal. You didn't see the smoker when you sat down, but you can smell the smoke now. How annoying is that? It's annoying all right, but that's the least of your worries. Second-hand smoke actually hurts you. It contains more than 4,000 chemicals and 43 cancer-causing agents, and is responsible for much death and disease in Arizona. Most importantly, this exposure will be a thing of the past if voters pass the Smoke-Free Arizona initiative in November.

The Smoke-Free Arizona initiative will prohibit smoking in indoor public places and workplaces. The Smoke-Free Arizona initiative will dramatically reduce our exposure to secondhand smoke and protect the health of all Arizonans especially those who may be most vulnerable: children, seniors and people with existing health problems.

Leading the campaign are the American Cancer Society, American Heart Association, American Lung Association and the Arizona Hospital and Healthcare Association. More than 100 community, health and business organizations, including the Campaign for Tobacco Free Kids, the AARP of Arizona, and the March of Dimes, have endorsed the measure.

This initiative is about giving the people of Arizona a say in the protection of their health. While cigarette manufacturers continue to deny the damaging health effects of secondhand smoke, Arizonans continue to be exposed to dangerous toxins and chemicals in secondhand smoke.

Everyone deserves the right to breathe clean air. You can support smoke-free workplaces in Arizona by getting involved in the campaign. Please call (602) 414-5339 or check out [www.SmokefreeArizona.org](http://www.SmokefreeArizona.org).

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe

*Paid for by "Smoke-Free Arizona Campaign"*

Church Women United urges a YES vote on the "Smoke-Free Arizona Act" initiative, funded by nonprofit charities with a true interest in your health, and, at the same, time urges a NO vote on the competing initiative, funded by the tobacco industry.

We have, from the adoption of policy statements as early as 1946, advocated for the health and well being of families. In Arizona, we were major advocates for the redefinition of eligibility for AHCCCS healthcare, to include the working poor, both in 1996 and 2000. But prevention is better than cure, so our concern has expanded to include telling the plain truth about tobacco addiction, and to having the tobacco industry assume responsibility for its product.

We have also been concerned about working conditions, especially for women, and about access to public places for persons with disabilities, including respiratory illnesses.

Church Women United supports a Smoke-Free Arizona. Please vote YES.

Church Women United in Arizona

Pennie Doss, Treasurer, Church Women  
United in Arizona, Glendale

Martha B. Hollcroft, Finance Chair, Church  
Women United in Arizona, Phoenix

*Paid for by "Church Women United in Arizona"*

**BAN, BABY, BAN!**

Attention Voters of Arizona:

What right does anyone have to pollute my air and make me smell stinky? If I don't like something, I am going to do everything within my power to get rid of it.

**That's the power of a Government Ban.**

I don't like the smell from smoke, except smoked salmon cooking on my barbeque. I should not have to smell smoke and that's why I am all for a government ban. In fact, I think it should be illegal for people to smoke in their cars. We should have the government issue "DWS" tickets and make people pay huge fines.

Publicity, and fighting for a person's right to smoke makes it harder for us who are trying to rid our society of other bad things such as alcohol, tobacco, and worse, caffeine, artificial sweeteners, and Hydrogenated oils.

**I think this is the appropriate step in our march towards a cleaner, healthier society.** Next stop, we can start targeting the other vendors and citizens using things that are bad for us:

- Caffeine
- Fast Food
- NutraSweet

America is made up of a bunch of addicted fatties. We need the government to step in and help us get back on the right track. Just like parents step in when their children are out of control, the government needs to slap

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*Issued by: Secretary of State Jan Brewer*

America's hand out of the cookie jar.

Anyone who smokes should be ashamed of themselves. Your days are numbered. It is time to destinkify the air we breathe.

Join me in supporting a total Government Ban.

Bob Roberts, Scottsdale

**Former U.S. Surgeon General, C. EVERETT KOOP says:**

**"Everyone wins when Arizona is a smoke-free state".**

As chair of the Yes on Prop 201 campaign I am delighted we are endorsed by former U.S. Surgeon General, C. Everett Koop. He clearly expresses the danger and hazard of second-hand smoke:

"The evidence about second-hand smoke is clear and convincing: second-hand smoke is a dangerous and deadly presence in enclosed indoor work places. No one should have to endure it to hold a job, patronize a business, or enjoy a meal in a restaurant. Experiences in other parts of our country have shown the fears of some that business would be adversely affected were all ill founded."

"When I was Surgeon General, I never led the people of America astray when I talked to them about their health and I'm certainly not going to change at this late date when I say that everyone wins when Arizona is a smoke-free state."

You too can join Surgeon General C. Everett Koop in creating a healthier Arizona for all of us.

Visit [www.smokefreearizona.org](http://www.smokefreearizona.org) today and vote Yes on Prop 201.

Sincerely,

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe

*Paid for by "Smoke-Free Arizona Campaign"*

Every day, our doctors and nurses treat patients who are afflicted with terrible smoking-related diseases. We see the toll that cancer, heart disease and constant respiratory infections take on patients and on families.

It's especially sad to us when people who have never smoked a day in their lives, but who have worked in smoke-filled establishments, need treatment.

Secondhand smoke affects our patients in so many devastating ways:

- It increases the risk of both lung and nasal cancer.
- It increases the risk of cardiovascular disease, which afflicts one in five Americans.
- It triggers asthma, creating difficulty breathing, wheezing and coughing, particularly in children.

The Environmental Protection Agency has declared secondhand smoke as a Group A carcinogen. Federal officials have identified more than 50 hazardous chemicals in the smoke.

We know that we can prevent tragic and unnecessary deaths related to tobacco use. We urge you to vote for the Smoke-free Arizona initiative.

Sincerely,

John R. Rivers, President and CEO, Arizona  
Hospital and Healthcare Association, Paradise  
Valley

Adda Alexander, Executive Vice President,  
Arizona Hospital and Healthcare Association,  
Glendale

*Paid for by "Arizona Hospital & Healthcare Association"*

Every year, the American Cancer Society helps thousands of people deal with the devastating news that they or a loved one have cancer. As the largest voluntary health organization committed to eliminating cancer, it is our responsibility to ensure we do all we can to educate Arizonans on the risks like secondhand smoke that cause this terrible disease. Smoke-Free Arizona is a common sense public health policy that will help us achieve our goal to eliminate cancer as a major public health problem.

Lung cancer is the most common cancer-related death in both men and women and cigarette smoking is by far the most important risk factor for lung cancer. Secondhand smoke also plays a contributing role in the development of lung cancer and is responsible for 3000 lung cancer deaths every year in nonsmokers. Some studies have also suggested that secondhand smoke may be linked to an increased risk of breast cancer. The California Environmental Protection Agency recently concluded that secondhand smoke causes breast cancer in younger women. The U.S. Surgeon General is currently reviewing the evidence on this link. Smoke-Free Arizona is an important public health policy that will help the American Cancer Society achieve its goal to eliminate cancer death and suffering.

Arizona has always been a leader in the fight against cancer and we all know someone that has faced a cancer diagnosis. You can help today by voting "yes" on Smoke-Free Arizona and ensuring that all Arizonans are protected from the harmful effects of secondhand smoke.

Sincerely,

Pameal K. Meyerhoffer, Member, Great West  
Division Board of Directors, American Cancer  
Society, Litchfield Park

Van Wolf, Treasurer, National Board of  
Directors, American Cancer Society, Phoenix

*Paid for by "American Cancer Society"*

**Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.**

*Issued by: Secretary of State Jan Brewer*

**Arizona  
2006 Ballot Propositions**

**General Election  
November 7, 2006**

The National Organization for Women (NOW) encourages your YES vote on the "Smoke-Free Arizona" ballot measure, Proposition 201.

We support this initiative for a number of reasons:

1. We care about safe workplace conditions; in this instance, for young women who work hard offering wait service in restaurants, bars and taverns. They are entitled to a decent, smoke-free workplace.

2. We care about accessibility of public places, where folks can eat, drink and relax, for Arizona's disabled residents, including those with respiratory disabilities. They can't breathe hard enough to escape the noxious fumes, and we all shudder at the matches and butts next to their oxygen tanks. They are entitled to an easy breathing, smoke-free meal or drink.

3. We care about people struggling with addictions, who have been taught to associate tobacco use with alcohol, and who would like to enjoy meeting friends in public places, without having smoke blown into their faces. We recognize that it is particularly hard for women to overcome tobacco addictions. They are entitled to smoke-free public accommodations.

4. We care about accountability. The tobacco industry has carefully designed their marketing campaigns to ensnare women, inventing the bizarre notion of a "woman's cigarette". But they haven't conned us into thinking that we have to have our public places polluted, just because it suits their bottom line. We are entitled to a smoke-free Arizona.

5. We'd just like to have our clothes and hair stop stinking from contamination with that nasty acrid stench. We'd like to walk in or out of a business without pushing past the stuff. Wouldn't you?

Arizona NOW supports a Smoke-Free Arizona, and encourages you to vote YES on Proposition 201.

Karen Van Hooft, State Coordinator, Policy/  
Spokesperson, Arizona NOW, Scottsdale

Eric Ehst, State Coordinator, Political Action,  
Arizona NOW, Phoenix

*Paid for by "Arizona NOW"*

Dear Fellow Arizonan:

Do you think anyone has the right to force you to smoke? Some people do, but not the backers of Proposition 201.

That is why I support Proposition 201 for a Smoke-Free Arizona.

But wait, there is another alternative supported by the tobacco industry. Their Proposition 206 sounds like it's about smoke, and it really is. It's blowing smoke in our face. Because 206 will not allow smoking in some public places most of the time, but some of the time and in some places it will all of the time. It's not just confusing, either. It misrepresents it's true purpose which is, to be sure, to keep on smoking! Nor does 206 provide any revenue stream for enforcement so Arizona taxpayers will foot the burden of enforcing 206, contrary to their statement that it won't increase taxes. I, for one, do not appreciate new laws that have hidden costs like 206 will impose.

A punch to the nose hurts. A smoking punch to the lungs can kill. That's not just my opinion but that of the most recent and definitive studies of the U.S. Surgeon General.

Proposition 201 does not divide our community into lung punching zones. If it's a public place, Proposition 201 will ensure that you have the right not to smoke that is enforced and paid for with additional taxes on cigarette sales so that those that want to smoke pay for the smoke.

Don't get any smoke in your eyes on election day. Vote for Proposition 201 and let's all clear the air on smoking in Arizona.

Dick Foreman, Tempe

**Arizona Medical Association in favor of Smoke-Free Arizona: Vote Yes on 201**

The Smoke-Free Arizona initiative is a historic endeavor that would ensure that all Arizonans have the opportunity to live in a state where they are protected from the dangers of secondhand smoke. The initiative ensures that all offices, healthcare facilities, retail stores, licensed childcare facilities, sport arenas, hotel and motels, restaurants, bars and bowling alleys are smoke-free. The American Cancer Society, American Heart Association, American Lung Association and Arizona Hospital and Healthcare Association have organized Smoke-Free Arizona to actively support the statewide initiative. This initiative will protect children, patrons and employees from secondhand smoke by prohibiting smoking in enclosed public places and workplaces.

Each year over 52,000 Americans die from secondhand smoke and it remains a leading cause of preventable death in the United States. Secondhand smoke is known to cause heart disease, respiratory illness, cancer and chronic lung disease in adults. There is no safe level of exposure to secondhand smoke and there should be no compromise when dealing with the dangerous side effects of second hand smoke. This initiative takes a step in protecting the health of all people, especially those most vulnerable to secondhand smoke: seniors, children and people with existing health problems. It is commonly known that exposure to this toxic, poisonous substance can lead to several health problems including retarded fetal growth, heart disease, lung and nasal cancer, asthma, and lower respiratory infections.

I encourage you to support the Smoke-Free Arizona initiative and vote yes. This initiative improves the quality of life and protects the health of all Arizonans.

Chic Older, Executive Vice President, Arizona  
Medical Association, Phoenix

David Landrith, Vice President of Policy &  
Political Affairs, Arizona Medical Association,  
Phoenix

*Paid for by "The Arizona Medical Association, Inc."*

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*Issued by: Secretary of State Jan Brewer*

**PROPOSITION 201**

**ER DOCTOR SAYS "YES FOR SMOKE-FREE ARIZONA"**

As a practicing emergency physician, I unfortunately see the health effects of smoking and second-hand smoke: heart attacks, cancer, pneumonia, asthma attacks, - the list goes on and on. All Arizonans deserve the right to enjoy a restaurant, bar, or bowling alley without increasing their risk of having a heart attack or developing cancer. And all employees deserve the right to earn a paycheck without having to inhale poison.

Smoke-Free Arizona gives us the chance to join some 18 other states in protecting the health of our citizens. Vote "Yes on 201," the one choice for a Smoke-Free Arizona.

Keith Kaback, M.D., Emergency Physician, Tucson

Please join the thousands of organizations and individuals in supporting Smoke-Free Arizona - including:

Councilmember Betty S. Lynch, Avondale  
Councilmember Brenda Holland, Goodyear  
Councilmember Carol West, Tucson  
Vice Mayor Claudia Walters, Mesa  
Councilmember Donna Wallace, Chandler  
Councilmember Ginny Dickey, Fountain Hills  
Councilmember Greg Stanton, Phoenix  
Councilmember James Norris, Casa Grande  
Councilmember Jini Simpson, Paradise Valley  
Mayor Joan Shafer, Surprise  
Councilmember Joe Severs, Apache Junction

Councilmember Kara Kelty, Flagstaff  
Mayor Keno Hawker, Mesa  
Councilmember Kris Sippel, Apache Junction  
Mayor Mary Manross, Scottsdale  
Vice Mayor Phillip Westbrooks, Chandler  
Councilmember Richard Monzon, El Mirage  
Vice Mayor Steve Leal, Tucson  
Mayor Steven Berman, Gilbert  
Councilmember Steven Frate, Glendale  
Councilmember Tom Simplot, Phoenix  
Mayor Wallace Nichols, Fountain Hills

(Partial List) \* For Identification Purposes Only

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe  
*Paid for by "Smoke-Free Arizona Campaign"*

Please join the thousands of organizations and individuals in supporting Smoke-Free Arizona - including:

Dukes Sports Bar and Grill  
Elephant Bar Restaurant  
Mrs. Whites Golden Rule Café  
Randy's Restaurant and Ice Cream  
Teakwoods Tavern & Grill  
AARP Arizona  
Catholic Healthcare West  
Richard Schroder  
Southwest Ambulance  
Southwest Gas  
Chinese Chamber of Commerce  
Half Moon Sports Grill  
Riester-Robb  
Schaller Anderson, Inc.  
Southwest Valley Chamber of Commerce  
Translational Genomics Research Institute (TGen)  
Campaign for Tobacco Free Kids  
Children's Action Alliance  
Arizona SADD  
Asian Pacific Community in Action  
Centro de Amistad, Incorporated  
A.T. Still University - Mesa Campus

Frank Kush  
Midwestern University  
Midwestern University, Oncology Club  
Sierra Club, Grand Canyon Chapter  
Axis Sports & Apparel  
Carol & Bill Bombeck  
Charli Turner Thorne  
Colby and Company CPA's PLC  
Colby Management, Inc.  
CPC Construction, Inc.  
Dana Tire Company  
Doug Holloway, State Farm Insurance  
East Valley NAACP Branch  
Fred Unger  
Lyndon W. Sanders  
Messinger Mortuary & Chapel, Inc.  
MyBizNow.com  
Q Design  
Robson Communities Inc.  
United Studios of Self Defense  
Hopi Tribal Council  
Asian American Times

(Partial List) \* For Identification Purposes Only

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe  
*Paid for by "Smoke-Free Arizona Campaign"*

Please join the thousands of organizations and individuals in supporting Smoke-Free Arizona - including:

Accurate Oxygen and Medical Supplies  
Allergy & Asthma Network Mothers of Asthmatics  
American Academy of Pediatrics - Arizona Chapter  
American Cancer Society  
American College of Cardiology

Arizona Asthma Coalition  
Arizona Dental Association  
Arizona Heart Institute  
Arizona Hospital and Healthcare Association  
Arizona Latin American Medical Association

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**Arizona  
2006 Ballot Propositions**

**General Election  
November 7, 2006**

American College of Chest Physicians - Arizona Chapter  
American College of Emergency Physicians - Arizona Chapter  
American College of Physicians - Arizona Chapter  
American Diabetes Association  
American Heart Association  
American Lung Association of Arizona  
Annual Arizona Red Ribbon Campaign  
Arizona Academy of Family Physicians  
Arizona Addiction Treatment Programs  
Arizona Allergy and Asthma Society  
Arizona Association of Community Health Centers  
Arizonans Concerned About Smoking

Arizona Medical Association (ArMA)  
Arizona Nurses Association  
  
Arizona Osteopathic Medical Association  
Arizona Pharmacy Alliance  
Arizona Public Health Association  
Arizona Rural Health Association  
Arizona School of Dentistry & Oral Health  
Arizona Society for Respiratory Care  
Arizona Surgical Specialists Center  
Arizona Thoracic Society  
Arizona Urological Society  
Arizonans for Drug Free Youth & Communities

(Partial List) \* For Identification Purposes Only

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe  
*Paid for by "Smoke-Free Arizona Campaign"*

Please join the thousands of organizations and individuals in supporting Smoke-Free Arizona - including:

Art Mollen, D.O.  
C. Everett Koop, M.D., Sc.D.  
Dale Webb, M.D.  
Dental Team Council of the Arizona Dental Association  
Dr. Bruce Miller, MD  
Dynamic Chiropractic Acupuncture Clinic, P.C.  
Family Assistance Program Y Su Clinica  
Gary Rostan, D.O.  
Gretchen K. Henson, DDS  
HealthCare Connect  
Healthy Arizona  
Hopi Health Advisory Council

Hospice of the Valley  
John C. Lincoln Health Network

La Loma Village  
Las Fuentes Health Clinic  
March of Dimes - Arizona Chapter

Maricopa County Asthma Coalition  
Maricopa County Medical Society  
Mayo Clinic Arizona  
Medical Staff, Banner Desert Medical Center

Merlin K. DuVal, M.D.  
Northern Arizona Nurse Practitioner Group  
Paul Steingard, D.O.  
Phoenix Children's Hospital  
Pima County Medical Society  
Praxair Healthcare Services  
Scottsdale Healthcare  
Southwest Autism Research & Resource Center  
Sun Health  
Sun Health La Loma Senior Living Services, Inc.  
West Valley Hospital  
Yuma County Medical Association  
Yuma Regional Medical Center

(Partial List) \* For Identification Purposes Only

Bill J. Pfeifer, Chairman, Smoke-Free Arizona, Tempe  
*Paid for by "Smoke-Free Arizona Campaign"*

**My Job Was Ruining My Health – Yes on 201**

You have my vote  
Smoke-Free Arizona  
Bonnie Starr

Being a musician had been my dream since I was a child. I pursued my passion, went to music school, and started my musical group. I love to bring joy to my crowd through my music. My nightly performances were in venues throughout Cochise County. Yet I did not know that my job was ruining my health.

Throughout the course of my employment, I became ill several times with severe throat infections. It became clear to me that exposure to secondhand smoke was directly affecting my health. My throat was frequently sore and my voice became raspy. I would come home from work every night reeking of cigarettes and coughing. I complained several times to my employers. My illness made it hard for me to perform and surgery was eventually necessary. My throat surgery left me with months of recovery and financial hardship due to the fact that I could not sing to make my living. Musicians should not have to cough, choke or suffer in silence. I don't think I should have to risk my health to make a living, it doesn't seem fair.

**Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.**

*Issued by: Secretary of State Jan Brewer*

**PROPOSITION 201**

Until now, Arizona has had no serious plan to address the issue of secondhand smoke. Led by the American Cancer Society, American Heart Association, American Lung Association and the Arizona Hospital and Healthcare Association, the Smoke-Free Arizona initiative prohibits smoking in enclosed public places and all workplaces. Currently, 15 states, 5 countries and numerous communities throughout Arizona enjoy the benefits of smoke-free laws. It is time for Arizona to protect the health of the workforce, please support the Smoke-Free Arizona initiative.

Sincerely a Health friendly musician,

Bonnie Starr, Sierra Vista

Secondhand smoke and heart disease  
Smoke-Free Arizona

The exposure of Arizona citizens to secondhand smoke is unnecessary. Secondhand smoke is the single largest contributor to indoor air pollution. Earlier in the year, the Surgeon General's report about tobacco health provided irrefutable scientific evidence that secondhand smoke is a major risk factor for cardiovascular diseases – the nation's No. 1 killer. According to the Center of Disease Control, more than 35,000 nonsmokers die each year from coronary heart disease as a result of exposure from secondhand smoke.

These deaths are preventable. Last year the Center for Disease Control issued a warning that people with an increased risk of coronary heart disease or with known coronary artery disease should be advised to avoid all indoor environments that permit smoking. The bottom line is that secondhand smoke has negative affects on the heart and circulatory system.

By working together we can prevent illness and death related to exposure to secondhand smoke. The passage of the Smoke-free initiative, led by the America Heart Association, American Cancer Society, America Lung Association and the Arizona Hospital and Healthcare Association, will prohibit smoking in all public places and limit exposure to poisonous secondhand smoke. People who have chosen to abstain from tobacco use and its negative health effects should not be forced to breathe air polluted by secondhand smoke. We all deserve to breathe clean air and protect the health of our loved ones. It is time to take all citizens health seriously by adopting clean air policies. Please join us by supporting the Smoke-Free Arizona initiative.

Sincerely,

Susan Edwards, Chairman, Phoenix Metro  
Board, American Heart Association, Phoenix

Nathan Laufer, M.D., President, Phoenix Metro  
Board, American Heart Association, Paradise  
Valley

*Paid for by "American Heart Association"*

Every year thousands receive devastating news. They or someone they love has lung cancer or heart disease. While cancer first comes to mind with smoking and "secondhand" smoke, many more heart attack deaths are associated with such exposure. "The Health Consequences of Involuntary Smoking" (U.S. Surgeon General's 1986 Report) focused on cancer. More recent research finds such "exposure causes other major disease, particularly heart disease." (Health Effects of Exposure to Environmental Tobacco Smoke, National Institutes of Health & California Environmental Protection Agency, 1999)

As little as "30 minutes of exposure to secondhand smoke will double your risk of heart attack for 48 hours." (Science of Secondhand Smoke, Richard Sargent, MD) and "Of smoke from one cigarette smoked in a room, 84% of the smoke (827 mg.) is sidestream smoke from the lit end of the cigarette, while only 16% (119 mg) is mainstream smoke exhaled by the smoker. Over 4/5 of the smoke ends up in the room for all to breathe! (Chemistry of Cigarette Smoke, Philip Morris Research Center, Document #2024947175, Minnesota Tobacco Trial)

Arizonans deserve smoke-free environments. All workers deserve a smoke-free workplace. Just as we must provide safe food and water for all, we must educate all about negative health effects of "secondhand" smoke, containing over 50 toxic chemicals first identified by Philip Morris Research, as well as federal agencies. It's time for Arizonans to act by passing the Smoke-Free Arizona initiative. Currently, 14 states, 5 countries and numerous Arizona communities enjoy health benefits of such laws. Protect your health and those you love. Support the American Cancer Society, American Lung Association, American Heart Association and Arizona Hospital & Healthcare Association's true health initiative, not just another tobacco industry ploy!

Leland L. Fairbanks, M.D., President,  
Arizonans Concerned About Smoking, Mesa

Donald N. Morris, Ed.D., Executive Director,  
Arizonans Concerned About Smoking,  
Scottsdale

*Paid for by "Arizonans Concerned About Smoking"*

As a pediatrician, I stress prevention to my patients and their families. The scientific evidence is clear that exposure to second hand smoke can cause chronic lung problems later in life. This was confirmed in the recent Surgeon General report published July 2006. Children are even more vulnerable to second hand smoke. Lets pass a strong initiative that bans smoking in all public places and protect our children!

Vote Yes on Prop. 201

Sincerely,

Eve Shapiro, MD, MPH, Tucson

*Paid for by "Smoke-Free Arizona Campaign"*

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*Issued by: Secretary of State Jan Brewer*

**American Lung Association Says YES on Proposition 201**

More than 124,000 children and 282,000 adults in Arizona suffer from chronic asthma. Secondhand smoke, as was recently reaffirmed by the US Surgeon General, is known to cause asthma attacks and can increase the severity of those attacks. Additionally, secondhand smoke causes both children and adults who suffer from asthma to cough, wheeze and have difficulty breathing. It is time to take the necessary steps to ensure that all adults and children who suffer from asthma breathe clean indoor air free of tobacco smoke. The Smoke-Free Arizona initiative aims to protect the health of all Arizonans, both adults and children, and especially those who are vulnerable to exposure to secondhand smoke including those who suffer from asthma, children, seniors and those who have existing health problems.

The Smoke-Free Arizona initiative will prohibit smoking in all enclosed public places and workplaces. Those who suffer from asthma will be able to enjoy local restaurants, bars, and other establishments without having to risk the onset of an asthma attack. Adults who suffer from asthma will even have the opportunity to work in a bar or restaurant without sacrificing their health. The bottom line is that the Smoke-Free Arizona initiative protects our families and Arizona citizens from the dangerous effects of secondhand smoke. By supporting this initiative, you are supporting the health of every person and their right to breathe clean air. Please join the American Lung Association of Arizona, American Cancer Society, American Heart Association and the Arizona Hospital and Healthcare Association in supporting this important initiative.

YES for Smoke-Free Arizona!

Charles Finch, D.O., Co-Chair, Arizona Board,  
American Lung Association of Arizona,  
Scottsdale

Keith Kaback, M.D., Co-Chair, Arizona Board,  
American Lung Association of Arizona, Tucson

*Paid for by "American Lung Association"*

Vote Yes on Smoke-Free Arizona for our children.  
Vote Yes on Proposition 201

"The debate is over. The science is clear. Secondhand smoke is not a mere annoyance but a serious health hazard." (U.S. Surgeon General Richard Carmona) Research shows that second hand smoke, even brief exposure, can trigger asthma attacks and can increase the severity of the attacks. Asthma attacks triggered by second hand smoke can be life threatening causing asthmatic children to cough, wheeze and have difficulty breathing. Children exposed to second hand smoke are more apt to develop severe respiratory issues including asthma.

More than 5 million children suffer from asthma in the US. 82,635 Maricopa County children have active asthma symptoms and 600,000 (2004) Arizonans live with asthma according to Department of Health statistics. Remember breathing is not optional. It is time to take the steps to ensure that all people with asthma can breathe the clean air that they deserve. The Smoke-Free Arizona initiative aims to protect the health of all Arizonans, especially those who are vulnerable to exposure to secondhand smoke including asthmatics, children, seniors and people with existing health problems.

The Smoke-Free Arizona initiative will prohibit smoking in all enclosed public places and workplaces. Asthmatics will be able to enjoy local restaurants, bars, bowling alleys and other establishments without having to risk the onset of an asthma episode.

Smoke-Free Arizona initiative is the one initiative that will protect our families and Arizona citizens from the dangerous effects of secondhand smoke. By supporting this initiative, you are supporting the health of every person and their right to breathe clean air. Please join the Arizona Cancer Society, American Heart Association, American Lung Association and the Arizona Hospital and Healthcare Association in supporting this initiative.

Joseph Yusin, MD, Chairman, Maricopa County  
Asthma Coalition, Phoenix

Hazel Chandler, Program Manager, Maricopa  
County Asthma Coalition, Phoenix

*Paid for by "Hazel Chandler"*

**Mayor Mary Manross: Yes on 201**

I am extremely proud of the fact that Scottsdale is one of the nation's most livable cities. Our residents' health and well-being is our number one priority. That is why I support the one statewide smoke-free initiative that applies to all workplaces and public places in Arizona: Smoke-Free Arizona. Through a statewide law, all businesses will be treated fairly and no business would gain a competitive advantage. Also, good health for our citizens and our visitors must not be compromised by false claims that a smoke-free law would hurt local businesses and our local or state economy. A statewide smoke-free law in all enclosed public places and workplaces is among the most important ways we can ensure that our residents and visitors benefit from a healthy environment and businesses are protected. The evidence from across the country, where smoke-free policies have been adopted, shows that a smoke free Arizona is good for health and good for business. Please join me and vote "yes" on Smoke-Free Arizona.

Sincerely,

Mary Manross, City of Scottsdale Mayor, Scottsdale

*Paid for by "Smoke-Free Arizona Campaign"*

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*Issued by: Secretary of State Jan Brewer*

**ARGUMENTS "AGAINST" PROPOSITION 201**

**Proposition 201 will hurt businesses!**

**VOTE NO.**

Dear Arizona Voter,

I used to own the Dirty Drummer in Tempe. I can tell you that, despite what the proponents of Proposition 201 want you to believe, a total ban on smoking in Tempe put me out of business.

They love to point to the Tempe example as a place that banning worked, but it didn't for me and my clientele, and it put us out of business. The fact that I was unable to serve my clientele and offer them what they wanted is what forced us to close our doors.

If 201 passes, a significant number of other places will go out of business. Just like I saw in Tempe, other owners will lose a significant portion of their clientele. Proposition 201 does not look out for everyone's best interests or protect workers; it looks to put people out of a job.

I understand the needs to protect non-smokers and minors, but I also believe that property owners should have the right to serve their adult customers as they see fit.

Don't believe them when they say that smoking bans had no impact in Tempe.

Vote NO on 201!

Dave Werner, Scottsdale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I love the fact that the hotels, restaurants, and bars cater to the needs of everyone in the community. The business community does a great job to make Arizona a great place to live and work. The state serves as a great tourist destination. That means the sales tax dollars are benefiting our community.

I recognize the need for a reasonable smoking law that protects people from the harms of secondhand smoke. But I also recognize that adults should be able to choose what kind of establishment they want to frequent.

Nearly a million people live within 5 miles of an Indian Casino. They wouldn't be impacted by this law. I bet if 201 passes we will sit by and watch all the patrons run to the casinos on the reservation.

Please vote NO on 201.

Randall C. Travers, Ernie's Inn, Scottsdale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I am a non-smoker and I am voting NO on 201 to protect my freedom of choice. There will be people out there that will try to cloud this issue. They will say a lot of things in an attempt to rationalize taking away your right to choose. No matter how you look at it, this ban will be a chip away at the rights that we hold so dear.

If we allow such heinous infringements on our rights to continue unchecked, there is no telling what someone might try next. If 201 passes, it will prevent people from doing something in a particular place that is legal everywhere else. Does that make any sense? Next time, what will be keeping special interests from taking away your rights?

That is why we need to stop all this nonsense here and now. We need to protect our freedom of choice! Vote NO on 201.

Alfonso Larriva, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I am voting NO on 201 because the answers are simple.

Should other people be able to tell me what I can and can't do?

**No.**

Should government infringe on my freedom of choice?

**No.**

Will 201 preserve choice?

**No.**

Should we raise taxes on tobacco to fund some sort of smoking police?

**No.**

Do these groups need an additional \$5 million on top of the money they already get from the government?

**No.**

Should we put all local bars at a disadvantage to the Indian Casinos that would still be able to allow smoking?

**No.**

Should we tell adults what they can and can't do?

**No.**

Smoking is a legal activity. In fact, lots of programs depend on the taxes that tobacco brings in. I understand the need to protect non-smokers, but Proposition 201 goes too far.

**Spelling, grammar and punctuation were reproduced as submitted in the "for" and "against" arguments.**

*Issued by: Secretary of State Jan Brewer*

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Join me in voting NO on 201.

Robert Maggs, Phoenix

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I have studied the smoking laws from other cities around the state, and I think you need to know how this oppressive ban will impact our current smoking laws. Proposition 201 does not fix the checkerboard laws that are in place throughout the state. It creates a minimum of a total indoor smoking ban, but it doesn't prevent any local government from going even further.

Basically, Proposition 201 will ban smoking everywhere. This ban goes too far. We don't need to ban smoking everywhere; rather, we should only protect the places that truly need to be smoke free – places where non-smokers and children have to go. Places where only adults are allowed should be able to make a choice.

Proposition 201 goes too far.

Randy L. Kadavy, Glendale

*Paid for by "Arizona Non-Smoker Protection Committee"*

Dear Arizona Voter,

I know that when I go to the bars in Arizona, there will be some people smoking. If the smoking bothered me, I would go somewhere else. Truth be told, there are a lot more non-smoking places than places that allow smoking. That means there are plenty of options for those who don't like smoking. Everyone should be able maintain his or her ability to choose.

If this anti-choice smoking ban goes into effect, I can guarantee that it will have a negative impact on my business and my clientele.

If you want to have a smoke-free evening, I suggest that you choose a place that doesn't allow smoking. Make the choice for yourself, not for me, and especially not for everyone in Arizona.

Please join me in voting No on 201.

Stephen English, Mesa

*Paid for by "Arizona Non-Smoker Protection Committee"*

**BALLOT FORMAT**

**PROPOSITION 201**

**PROPOSED AMENDMENT BY INITIATIVE PETITION**

**OFFICIAL TITLE**

AN INITIATIVE MEASURE  
REPEALING SECTIONS 36-601.01 AND 36-601.02, AMENDING  
BY ADDING NEW SECTION 36-601.01 AND AMENDING SEC-  
TION 42-3251.02 ARIZONA REVISED STATUTES; RELATING  
TO THE SMOKE-FREE ARIZONA ACT

**DESCRIPTIVE TITLE**

PROHIBITS SMOKING IN ALL PUBLIC PLACES AND PLACES  
OF EMPLOYMENT; EXEMPTS PRIVATE RESIDENCES,  
TOBACCO STORES, DESIGNATED HOTEL/MOTEL ROOMS,  
VETERANS AND FRATERNAL CLUBS, NATIVE AMERICAN  
RELIGIOUS CEREMONIES, AND OUTDOOR PATIOS;  
REQUIRES POSTING OF NO SMOKING SIGNS; IMPOSES  
TWO CENT/PACK TAX ON CIGARETTES FOR ENFORCE-  
MENT; VIOLATIONS CONSIDERED PETTY OFFENSE.

**PROPOSITION 201**

A "yes" vote shall have the effect of prohibiting  
smoking in all public places and places of employ-  
ment while exempting private residences, tobacco  
stores, designated hotel/motel rooms, veterans  
and fraternal clubs, Native American religious cer-  
emonies, and outdoor patios and requiring no  
smoking signs be posted where smoking is pro-  
hibited, imposing a tax of two cents per cigarette  
pack, continuing to allow additional regulation by  
cities, towns and counties, and providing for  
enforcement by the Department of Health Ser-  
vices.

**YES** ☐

A "no" vote shall have the effect of retaining the  
current laws regarding smoking in public places  
and places of employment and leaving current  
municipal smoking regulations in place.

**NO** ☐

**PROPOSITION 201**

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